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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,586	08/30/2001	Neal Andrew Crook	MIC-13	9394
1473	7590	04/27/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/943,586	CROOK ET AL.
	Examiner	Art Unit
	Daniel Pan	2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 February 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-36 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,7-10,12-14,16-19,21-24,26-28 and 31-36 is/are rejected.

7) Claim(s) 6,11,15,20,25,29 and 30 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 August 2001 is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____.

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

1. Claims 1-36 remain for examination. No change has been made to the claims.

2. Claims 1-4, 7,8,10, 12-14, 16, 17-19, 21,22, 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdik (6,324,691) in view of Yamaguchi (6,110,229) .

1. Claims 5 ,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gazdik (6,324,691) in view of Yamaguchi (6,110,229) as applied to claims 1, 8 above, and further in view of Dewey et al. (5,652,887).

2. Claims 23, 24,26-28,31, 32,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pickett (5,968,169) in view of Gazdik (6,324,691) .

3. The rejections have been maintained and incorporated by reference the last Office action on 11/05/04.

4. The response filed on 02/04/05 has been fully considered, but it is not persuasive.

5. In the remarks, applicant argued that :

a) Gazdik and Yamaguchi did not teach the receiving information via a single data path;

b) prior art did not teach the identifying data;

c) Gazdik's MIS performing a switching is not "automatic";

6. As to a) above, no type of claimed "single input data path" has been reflected into the claim, therefore, it is read as any single data path in general. Gazdik taught receiving of a program code , data control information from a data path (see the input data path of computer 14 from the install engine in fig.1). Although no details of the

input data path were shown, one of ordinary skill in the art should be able to recognize the input data path could be applicable in a single data path. It should be within the level of one of ordinary skill in the art to recognize the input data path to the computer 14 was directed to a single data path. To use more than one data path, a multiple of data connections would have been shown.

7. As to b) above, applicant recites the identifying bit was used for indicating one of the setup and program data (see applicant's claim 1, lines 8-9). No specific type of indication has been reflected into the claim, therefore, the indication was read as any type of indication in general including indication of the selected state of setup. Gazdik already taught identifying of the program data (see col.6, lines 15-20, see citation set forth in the previous action). Gazdik did not teach the indication of setup. However, Yamaguchi taught a D bit for indicating the selection of a setup environment (see the D bit for selecting the setup in col.5, lines 9-14, see also the setup format as one of the setup environments in col.4, lines 66-67, col.5, lines 1-8). If the setup information was selected, a "1" will be assigned, and "0" for non selected (see col.5, lines 9-15). In other words, whether the setup selected or not, the D bit was used for indicating the selected states of setup information. Therefore, Yamaguchi did have an indication for his setup information by means of the D bit.

8. As to c) above, Gazdik taught the setup mode to run mode (see the switch to run installation program in col.8, lines 35-46). However, it did not explicitly show the switching from run mode to setup mode as claimed. Nevertheless, Gazdik, in the same patent, taught the elimination of the need for user interaction to perform several

download the setup program [installation program] will install software without requiring user's interaction (see col.2, lines 12-33). Therefore, it is for this reason, the examiner believes that the automatic switch of the run mode (e.g. after completion of current software) to setup mode (a next setup) was also applicable in the system due to the reason that it downloaded the setup and installed the software without user's interaction, and therefore, it was automatic.

9. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the increment of the register file counter for second constant in addition to the loading of the constant at the loading value.

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the generation of output data identification signals to allow the input value being interleaved with the data.

11. Claims 15,20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the switching go the run mode to setup mode by executing the pass through

instruction that causes the setup data to propagate to execution pipe without modification.

12. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the pass through instruction when the data from input path was a setup data, propagated through without modification.

13. Claim 29 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the write memory address when the data was a setup data and the e read memory address when the data was a program data.

14. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the prior art of record further teaches the fourth input of the control logic to receive the identification bit to indicate whether the data was setup data or program data.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 Century Strategic Plan

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GROUP